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**TO:** EXAMINER JOSEPH M. PELHAM

**FIRM/COMPANY:** Commissioner for Patents

**FACSIMILE NUMBER:** (703) 872-9306

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**FROM:** Ruth Der, Paralegal

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**DATE:** April 26, 2005

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**TOTAL # OF PAGES:** 5  
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**MESSAGE:** Attached is *Information Disclosure Statement* and form PTO-1449.

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank et al.

Examiner: Joseph M. Pelham

Group Art Unit: 3742

For: **TISSUE SITE MARKERS FOR IN VIVO  
IMAGING**

Serial No.: 10/658,911

TRANSMITTAL

Filed: September 10, 2003

Atty. Docket No.: R0367-01601

## CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this these papers are being sent by facsimile to (703) 872-9306. Attn: Examiner Joseph M. Pelham, at Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 26, 2005 in San Francisco, CA.By: *Edward J. Lynch*Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application are the following:

X Information Disclosure Statement; andX Form PTO-1449.

2. Fees Due

X IDS, \$180.

3. Payment of Fees Due

X The Commissioner is authorized to charge the required fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-01601. A duplicate copy of this transmittal is enclosed for this purpose.

Respectfully,

By: *Edward J. Lynch*Edward J. Lynch  
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## PATENT

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Docket No.: R0367-01601

) Examiner: Joseph M. Pelham

) Group Art Unit: 3742

) **INFORMATION DISCLOSURE**  
) **STATEMENT**

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**CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that this paper is being deposited via Facsimile at (703) 872-9306 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Joseph M. Pelham on April 26, 2005 in San Francisco, CA

By: 

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO-1449 form and request that they be considered by the Examiner. The references listed in the attached were cited in related U.S. application Serial No. 10/823,053 and are indicated as such. Therefore, the references listed are not enclosed herewith.

This information disclosure statement is being filed under 37 C.F.R. §1.97(c). The Commissioner is authorized to charge the required fee as set forth under 37 C.F.R. §1.16 and §1.17 to credit any overpayment to Deposit Account No. 04-1679, referencing Atty. Docket No. R0367-01601.

04/28/2005 WASFAW1 00000085 041679 10658911

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Respectfully submitted,

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<b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT</b> UNDER 37 CFR §1.56, §1.97, and §1.98 <b>PTO-1449 FORM</b>  SHEET 1 OF 1	<b>ATTORNEY DOCKET NO.:</b>  R0367-01601	<b>SERIAL NO.:</b>  10/658,911
	<b>APPLICANTS:</b>  Burbank et al.	<b>EXAMINER</b>  Joseph M. Pelham
	<b>FILING DATE:</b>  September 10, 2003	<b>GROUP ART UNIT:</b>  3742

## U.S. PATENT DOCUMENTS

† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (if appropriate)
	*A62	5,425,366	6/1995	Reinhardt et al.		
	*A63	6,030,333	2/2000	Sioshansi et al.		
	*A64	6,220,248	4/2001	Voegelé et al.		
	*A65	6,270,464	8/2001	Fulton et al.		
	*A66	6,347,241	2/2002	Burbank et al.		
	*A67	6,356,782	3/2002	Sirimanne et al.		
	*A68	6,567,689	5/2003	Burbank et al.		
	*A69	6,575,991	6/2003	Chesbrough et al.		
	*A70	6,699,205	3/2004	Fulton et al.		

## FOREIGN PATENT DOCUMENTS

† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	COUNTRY	TRANSLATION (YES/NO)	

## OTHER DOCUMENTS

† EXR INITIAL	*REF. #	Document Description (including Author, Title, Date, Pertinent Pages, Etc.)

<b>EXAMINER'S SIGNATURE</b>  	<b>DATE CONSIDERED</b>  
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† EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609.  
 Line through citation if not in conformance and not considered.  
 Include copy of this form in next communication to applicant.

\* If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120, 37 C.F.R. 1.98(d).